

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**MERCK & CO., INC., et al.,**

**Plaintiff,**

**v.**

**MERCK KGAA,**

**Defendants.**

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**Civil Action No. 16-00266 (ES)**

**ORDER**

This matter having come before the Court by way of the parties' May 21, 2018 joint-discovery dispute letter [D.E. 96];

and the Court having reviewed the letter and considered the disputes presented therein;

and the Court having held a telephone conference, on the record, on July 19, 2018 to discuss the matter with counsel;

and for the reasons set forth in an oral opinion delivered on the record on July 19, 2018;<sup>1</sup>

and for good cause shown;

IT IS on this 19<sup>th</sup> of July 2018,

ORDERED that Defendant's application to compel production of materials from Exiger LLC is GRANTED in part and DENIED in part; and it is further

ORDERED that Exiger LLC shall produce to Defendant: (i) a list of all other websites that Exiger LLC researched or visited as part of its investigation; (ii) all other screenshots,

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<sup>1</sup> A copy of this transcript may be obtained from King Transcription Services (973-237-6080).

images, and videos that Exiger LLC captured or acquired as part of its investigation; (iii) all additional spreadsheets like those already produced, whether from SEMRush or otherwise; and (iv) all materials acquired or generated from any conference that Exiger LLC attended as part of its investigation; and it is further

ORDERED that Defendant's application to compel is otherwise DENIED without prejudice.

*s/Michael A. Hammer*  
**UNITED STATES MAGISTRATE JUDGE**